

REMARKS/ARGUMENTS

Favorable reconsideration of this application in light of the following discussion is respectfully requested.

Claims 1-8, 10-18, 20-24, 26-40, 42-57 and 60-73 are presently active in this case.

In the outstanding Office Action, Claims 1-8, 10-18, 20, 27-33, 42-52 and 60-63 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,627,549 to Park in view of U.S. Patent No. 5,867,780 to Malackowski et al.; and Claims 21-24, 26, 34-36, and 53-55 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Park in view of Malackowski et al., and further in view of U.S. Patent No. 6,060,993 to Cohen.

First, Applicants wish to thank Examiner Nguyen for the July 13, 2004 personal interview at which time the outstanding issues in this case were discussed. During the interview, Applicants presented amendments and arguments substantially as indicated in this response. While no formal agreement was reached, the examiner decided to withdraw the rejection mailed out in the May 18, 2002 Official Action and reconsider the application upon filing of this response.

Turning now to the merits, Applicants' invention is directed to a method and system for distributing promotional information. The inventors of the present application have identified a need for a system that automatically provides targeted promotional information in the way of advertising, coupons, etc. to consumers at a time when work or personal obligations do not otherwise command the consumers' attention. The claimed invention meets this need by providing a method and system for automatically distributing targeted promotional information to occupants of a vehicle based on a position of the vehicle in relation to a store associated with the promotional information.

Specifically, Applicants' independent Claims 1, 29, 43 and 60 recite an in-vehicle promotion system or method that monitors a position of the vehicle in relation to a store,

transmits or communicates identity information identifying a person associated with the vehicle and automatically displays promotional information targeted for the person based on a purchase history of the person when the monitoring indicates that the vehicle is in a predetermined position in relation to the store. Thus, as discussed in the July 13th interview, independent Claims 1, 29, 43 and 60 each recite that the *promotional information is targeted for the person based on a purchase history of the person*, and that this promotional information is *automatically output to an interior display when the vehicle is in a predetermined position in relation to the commercial entity*.

In contrast, the cited references do not teach or suggest the recited feature of promotional information being targeted for the person based on a purchase history of the person. The Official Action acknowledges that Park does not disclose the claimed targeted promotions feature, but cites Malackowski et al. as teaching this feature.¹ As discussed in the July 13th interview, the system of Malackowski et al. enables a cell phone user to call an advertised phone number to obtain more information about a product or service. For example, a driver may see a billboard advertisement that also includes a phone number for obtaining more information about the advertised product. When the driver calls the phone number to obtain more information about the advertised product, the driver can send a user ID to enter the Malackowski et al. system. However, this user identifier is not used by the Malackowski et al. system to provide targeted promotional information based on the user's purchase history. While Malackowski et al. discloses that the delivered messages are "targeted" to prospective customers,² such messages are considered "targeted" only because the prospective customer initiates the contact with the advertiser.³ That is, Malackowski et al.

¹ Official Action at page 3, lines 10-14.

²Malackowski et al. at Col. 2, lines 12-14.

³Id. at Col. 2, lines 23-36.

discloses a system that delivers advertisements to the general public rather than to targeted consumers.

The reference to Cohen does not correct the deficiencies of Park and Malackowski et al. Cohen discloses a public advertising system wherein a monitor mounted on the exterior of a mobile vehicle generates a publicly viewable message to pedestrians who see the vehicle. As with Malackowski et al., such publicly viewable messages are not targeted to a person associated with the vehicle based on the person's purchase history. Thus, the cited references do not teach or suggest that the "promotional information is targeted for the person **based on a purchase history** of the person" as recited in Applicants independent claims 1, 29, 43 and 60.

With regard to the claimed feature of automatically outputting the promotional information to an interior display when the vehicle is in a predetermined position in relation to the commercial entity, Applicants submit that this limitation is also not taught by the cited references. In this regard, Applicants note that the February 19, 2003 Statement of Reasons for Allowance identified that this limitation is not taught by the cited references to Park, Malackowski et al., and Cohen. The outstanding Official Action does not directly deal with this limitation, but intimates that Park may teach this feature. As discussed in the July 13th interview, Park discloses a system that tags radio broadcast advertisements with data that the user can obtain by pressing a button when the user hears an advertisement of interest. Park also allows a user to enter filtering criteria, such as distance, to define data tags for collection. Therefore, Park requires user input to display promotions and does not disclose "automatic output" of promotions information when it is "automatically detected" that the vehicle is within the defined range as recited in independent claims 1, 29, 43 and 60.

For the reasons discussed above, independent Claims 1, 29, 43 and 60 patentably define over the cited references. Moreover, as Claims 2-28, 30-42, 44-57 and 61-63 depend

from the independent claims respectively, these dependent claims also patentably define over the cited references.

Applicants have also added new Claims 65-73 to clarify the patentable distinctions of the present invention over the cited references. Specifically, new independent claim 65 recites an in-vehicle promotions system installed in a vehicle and including a position receiver configured to monitor a position of the vehicle in relation to a commercial entity having a predetermined proximity zone assigned thereto. Also recited is a wireless communications device configured to receive promotional information from the commercial entity, and a controller coupled to the position receiver and wireless communications device. The controller is configured to process the promotional information for display when the controller determines that the vehicle is within the predetermined proximity zone assigned to the commercial entity. The claimed system also includes an interior display configured to be installed in an interior of the vehicle and connected to the controller, the interior display configured to display the promotional information.

Thus, new Claim 65 recites that the a commercial entity has *a predetermined proximity zone assigned thereto* and the controller *processes said promotional information for display when said controller determines that said vehicle is within the predetermined proximity zone assigned to said commercial entity*. As discussed in the July 13th personal interview, this claimed feature allows the commercial entity to define the predetermined proximity zone in consideration of neighboring businesses.⁴ For example, the predetermined proximity zone can be made to correspond to a retail store's parking lot.⁵ As described in Applicants specification, this feature allows a retail store, for example, to provide promotions

⁴ Applicants specification at page 7, lines 15-18.

⁵ Applicants specification at Figure 1 and page 7, lines 11-15.

to consumers that are actually going to the retail store even before the consumer enters the building.⁶

As discussed above, Park discloses a system that tags radio broadcast advertisements with data that the user can obtain by pressing a button when the user hears an advertisement of interest. The filtering criteria of Park allows the user to filter data tags based on distance from the vehicle. That is, Park discloses that a predetermined zone is defined around and moves with the vehicle, but not assigned to the commercial entity. Thus, Park does not disclose a predetermined proximity zone assigned to a commercial entity and a controller that processes promotional information for display on an interior display when the controller determines that the vehicle is within the predetermined proximity zone. In this regard, Applicants note that assigning the zone to the vehicle rather than the commercial entity causes the driver to indiscriminately receive advertisements from any advertiser within the vehicle's defined zone. Thus, unlike the system of Claim 65, the system of Park has only limited capability of sending promotions to a consumer that is actually going to the advertiser's shopping site.

The cited references to Malackowski et al. and Cohen do not correct the deficiencies of Park. Malackowski et al. discloses a system for handling user initiated calls for more advertising information and is not geographically based at all. While Cohen defines zones, the reference does not explicitly disclose that the zones are assigned to a commercial entity. Moreover, Cohen does not disclose an interior display which, as discussed in the personal interview, is also used to provide information to drivers actually going to the entity.

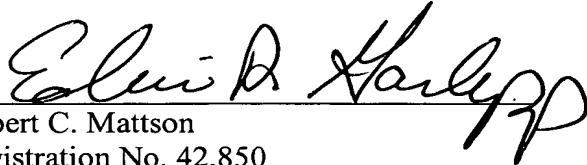
For the reasons discussed above, Claim 65, and Claims 66-73 depending there from, patentably define over the cited references.

⁶ See Applicant' specification at page 7, lines 13- 18; page 11, line 4-8; page 16, lines 21-25.

Consequently, in view of the present amendment, no further issues are believed to be outstanding in the present application, and the present application is believed to be in condition for formal Allowance. An early and favorable action is therefore respectfully requested.

Respectfully submitted,

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